

IN THE UNITED STATE DISTRICT COURT OF DELAWARE

JAMES ARTHUR BIGGINS,  
Plaintiff,

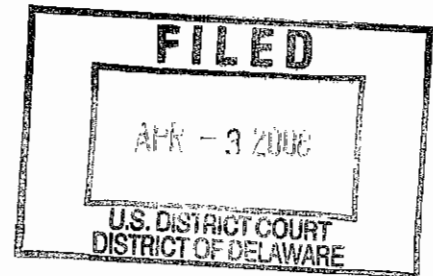
C.A.No. 1-08-cv-4 GMS

vs.  
Gov. Ruth Ann Minner, et al.,  
Defendants.

To The Honorable Gregory M. Sleet  
U.S. District Court Judges Chambers  
U.S. District Court House, Lockbox 19  
814 North King Street  
Wilmington, Delaware 19801

Dated: March 28, 2008

Re: Immediate Temporary Restraining Order



BD scanned

Your Honor.

In pursuit of my TRO, I would like to inform you of recent events regarding Correctional Medical Services (CMS) and Delaware Dept. of Corrections / Delaware Correctional Center (DCC/DCC) continual willful neglect to medical treatment that has (a) been diagnosed by a physician as mandating treatment for several chronic conditions. In addition to having been declared acceptable forms of treatment for treating plaintiff's chronic conditions by Delaware Bureau of Prison Chief Richard Kearney designated with making all final medical decisions of (DOC) inmates. Hill v. DeKalb Reg'l Youth Det. Ctr., 98 F.3d 1176, 1187 (11th Cir. 1999); Monmouth County Correctional Institutional Inmates v. Lancaster, 834 F.2d 326, 347 (3d Cir. 1987), cert. denied, 486 U.S. 1006 (1988); Atkinson v. Taylor, 316 F.3d 257, 272-73 (3d Cir. 2003); and Speuill v. Gillis, 372 F.3d 218, 222 (3d Cir. 2004).

Although defendants have alleged that the plaintiff has been scheduled for a M.R.I. to assist in the re-evaluation of his back conditions and receive renewed therapy. However, more than six (6) weeks later, the defendants determination has not changed to provide plaintiff the necessary treatment to treat his serious medical needs, subjecting him to continual needless pain and suffering resulting from their denials of performing simple medical care, which does not serve any penological purpose, violates the plaintiff's Eighth Amendment. Atkinson, 316 F.3d at 266; Monmouth County Inmates, 834 F.2d at 346. Likewise, plaintiff has continued to submit numerous repeated grievances and sick calls for missed renewed meds for chronic conditions and to be seen if necessary to be taken off a known harmful drug to his system, for an effective muscle relaxer to interact with the prescribed Hydrolon #2. See exhibit A.

Note for the record that this is only the latest submitted sick-call, and only to have gotten a response since March 5, 2008. In furtherance, the medical employee responding for (CMS) confirms that (a) Dr. Desrosier did not order Multi-Vitamin ordinary given to treat my chronic and serious medical condition that can cause a severe decrease in health "Sickle Cell trait", (b) did not order (CMS) a sinus tablet given to treat chronic sinus problems, and (c) are going to stop the distribution of "Paroxetine Forte" because of its effects to my system causing continual irregular bowel movements and bloody stools. However, as of today the medication is still being dispensed (March 27, 2008). And have not prescribed for me a substitute med to replace it. Sir, as it continues to stand nothing is being done for me and in effect I am decreasing health wise and faced daily with needless pain. This neither an attempt to get medical treatment of my choice. I'd. Sprell. But the defendant's continual deliberate indifference by "intentionally denying and delaying medical care poses substantial risks of serious harm". Taylor v. Adams, 221 F.3d 1254, 1258 (11th Cir. 2000); Estelle, 429 U.S. at 104-105; Peters, 111 F.3d 1364 (7th Cir. 1997). It bears referencing that the defendants are "the moving forces" behind the harm being suffered by the plaintiff. Sample v. Diecks, 882 F.2d 1099, 1117-118 (3d Cir. 1989); Heggenmiller v. Edna Mahan Corr. Inst. For Women, No. 04-1786, 128 Fed Appx. 210 (3d Cir. 2005). The defendants also are denying or delaying access to a physician capable of evaluating the needs of my treatment. Duemer, 991 F.2d 64 (3d Cir. 1993); White, 897 F.2d 103 (3d Cir. 1990); Rouse, 182 F.3d at 197.

Wherefore, pursuant to Fed. R. Civil Procedure Rule 65(b) the plaintiff request immediate injunctive relief under "imminent danger" and "irreparable harm" the plaintiff also will like to bring to this court's attention, that due to the knowledge of (DCC) now officials. MIAU executive administrative officer Sgt/Lt. Alisa Prosci demonstrated to the plaintiff, her knowledge that she knows that she has been named in both actions by the plaintiff in this court by personally carrying on an unwarranted cell search and threaten to take plaintiff's legal material. See attached copy of letter to Attorney General Biden, exhibit B.

James Arthur Boggio

Urgent\*

**DELAWARE DEPARTMENT OF CORRECTIONS  
REQUEST FOR MEDICAL/DENTAL SICK CALL SERVICES  
FACILITY: DELAWARE CORRECTIONAL CENTER**

This request is for (circle one): MEDICAL DENTAL MENTAL HEALTH

JAMES Arthur Biggins  
Name (Print)

MHU #22 / A-U-4  
Housing Location

May 11, 1964  
Date of Birth

#319264  
SBI Number

March 17, 2008  
Date Submitted

Complaint (What type of problem are you having)? I've submitted several individual medical grievances regarding not receiving the following meds and was told to inform Medical. So, here's my 2nd Notice to you-all. On 3/4/08, I was seen by Dr. Desrosier and was renewed for all meds. But I'm not getting my Multi-Vitamin or CTMs. Also I've repeatedly made known my concerns regarding being given Parafon Forte which makes me sick. I need to see a Doctor!

James Arthur Biggins  
Inmate Signature

March 17, 2008  
Date

**The below area is for medical use only. Please do not write any further.**

S: Your multi-vitamin & CTM's were not renewed when you seen the MD on 3-3-08. Also your Parafon Forte will be discontinued, since it makes  
O: Temp: \_\_\_\_\_ Pulse: \_\_\_\_\_ Resp: \_\_\_\_\_ B/P: \_\_\_\_\_ WT: \_\_\_\_\_ you sick - gm/rn  
3-19-08  
(copy sent)

A:

P:

E:

Provider Signature & Title

Date & Time

3/1/99 DE01

FORM#:

MED

263

Received 3-19-08, 0900 J. McKenjin

Ex.A

Certificate of Service

I, JAMES ARTHUR BIGGINS, hereby certify that I have served a true and correct copy(ies) of the attached: Letter Of Request For Temporary Restraining Order and Exhibits upon the following parties/person (s):

TO: Ophelia Michelle Waters, Esquire  
Delaware Department of Justice  
Carvel State Office Building, 3d Floor  
820 North French Street  
Wilmington, Delaware 19801

TO: JAMES E. DENEK, Esquire  
Balick and Balick, LLC  
711 King Street  
Wilmington  
Delaware 19801

TO: \_\_\_\_\_

TO: \_\_\_\_\_

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BY PLACING SAME IN A SEALED ENVELOPE and depositing same in the United States Mail at the Delaware Correctional Center, 1181 Paddock Road, Smyrna, DE 19977.

On this 31 day of March, 2008

James Arthur Biggins



I/M JAMES Arthur Higgins  
# 319714 UNIT 22A-U-1  
DELAWARE CORRECTIONAL CENTER  
1181 PADDOCK ROAD  
SMYRNA, DELAWARE 19977

Legal Mail

Clk. Clerk of the Court  
US District Court House, Lockbox 19  
844 North King Street  
Wilmington, Delaware U.S.  
19801



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MAILED FROM ZIP CODE 19977

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